

UNITED STATES COURT OF APPEALS

August 3, 2007

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

MELVA K. CRAWFORD,

Plaintiff-Appellant,

v.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant-Appellee.

No. 06-6316
(D.C. No. CIV-05-583-L)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **TACHA**, Chief Judge, **BARRETT**, Senior Circuit Judge, and **MURPHY**,
Circuit Judge.

Melva K. Crawford appeals the district court's affirmance of the decision
of the Commissioner of the Social Security Administration denying her
application for disability insurance benefits and supplemental security income
payments.

* After examining the briefs and appellate record, this panel has determined
unanimously to grant the parties' request for a decision on the briefs without oral
argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore
ordered submitted without oral argument. This order and judgment is not binding
precedent, except under the doctrines of law of the case, *res judicata*, and
collateral estoppel. It may be cited, however, for its persuasive value consistent
with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Ms. Crawford claimed disability beginning in February 1998 due to carpal tunnel syndrome, asthma, arthritis, chest pain, and depression.¹ The Administrative Law Judge (“ALJ”) denied benefits after finding that Ms. Crawford was severely impaired because of her asthma and generalized arthritis, but that she did not meet a listing, was not entirely credible, and retained the residual functional capacity for a full range of sedentary work. Application of the Medical-Vocational guidelines, *see* 20 C.F.R. Part 404, Subpt. P., App. 2, at step five of the sequential-evaluation process resulted in a finding of “not disabled.” *See* Aplt. App. Vol. II at 24. The Appeals Council considered the new medical evidence Ms. Crawford submitted after the hearing but nonetheless affirmed the ALJ’s decision.² We have jurisdiction under 28 U.S.C. § 1291 and 42 U.S.C. § 405(g), and we affirm.

In this appeal, Ms. Crawford raises the same issues she raised in the district court, namely that the Commissioner (1) failed to meet his heightened burden to show that she does not have any significant nonexertional impairments before

¹ Despite this alleged onset date, Ms. Crawford does not dispute the Commissioner’s conclusion that the relevant periods of inquiry are from February 1, 2003, through August 7, 2004, for her disability insurance claim and from March 11, 2003, through August 7, 2004, for her supplemental security income claim.

² This evidence, along with other medical reports presented to the Appeals Council, is part of the administrative record before us as we evaluate the Commissioner’s decision for substantial evidence. *See O’Dell v. Shalala*, 44 F.3d 855, 859 (10th Cir. 1994).

relying on the grids; (2) failed to develop the record with regard to her alleged heart impairment, (3) erred in evaluating her alleged mental impairment, and (4) failed to show that she had full use of her hands, thus making reliance on the grids erroneous. We review the Commissioner's decision to determine "whether the factual findings are supported by substantial evidence in the record as a whole and whether the correct legal standards were applied." *Howard v. Barnhart*, 379 F.3d 945, 947 (10th Cir. 2004).

Ms. Crawford's arguments are without merit. In his well-reasoned report and recommendation, adopted in its entirety by the district court, the magistrate judge thoroughly analyzed each of Ms. Crawford's claims using the same standard of review that governs our review, *see* Aplt. App. Vol. I at 14, and we find his analysis and conclusions to be persuasive on each point, *id.* at 15-33. Accordingly, we see no reason to repeat that analysis, and we affirm for substantially the same reasons set forth in the magistrate judge's report and recommendation and adopted by the district court.

The judgment of the district court is AFFIRMED.

Entered for the Court

Deanell Reece Tacha
Chief Circuit Judge